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	Separation Requirements.  a) 47 C.F.R. Section 73.207						
	Grandfathered Short-Spaced.						
	b) 47 C.F.R. Section 73.213(a) with respect to station(s): Exhibit required	[Exhibit 31]					
	c) 47 C.F.R. Section 73.213(b) with respect to station(s): Exhibit required	[Exhibit 32]					
	d) 47 C.F.R. Section 73.213(c) with respect to station(s): Exhibit required.	[Exhibit 33]					
	Contour Protection						
	e) 47 C.F.R. Section 73.215 with respect to station(s): Exhibit required.	[Exhibit 34]					
17.	Environmental Protection Act. The proposed facility is excluded environmental processing under 47. C.F.R. Section 1.1306 (i.e., The		C Yes C No				
	have a significant environmental impact and complies with the maxin radiofrequency electromagnetic exposure limits for controlled and un environments). Unless the applicant can determine compliance through RF worksheets in Appendix A, an Exhibit is required.	See Explanation in [Exhibit 35]					
	By checking "Yes" above, the applicant also certifies that it, in coord						
	users of the site, will reduce power or cease operation as necessary to having access to the site, tower or antenna from radiofrequency electroscopic in excess of FCC guidelines.						
18.	Community of License Change - Section 307(b). If the application submitted to change the facility's community of license, then the application that it has attached an exhibit containing information demonstrating to	icant certifies hat the proposed	F Yes C No C N/A				
	community of license change constitutes a preferential arrangement of assignments under Section 307(b) of the Communications Act of 193	[Exhibit 36]					
	(47 U.S.C. Section 307(b)).						
L	An exhibit is required unless this question is not applicable.						
PREPARERS CERTIFICATION ON PAGE 3 MUST BE COMPLETED AND SIGNED.							

### **SECTION III - PREPARER'S CERTIFICATION**

I certify that I have prepared Section III (Engineering Data) on behalf of the applicant, and that after such preparation, I have examined and found it to be accurate and true to the best of my knowledge and belief.

Name LEE S. REYNOLDS		Relationship to Applicant (e.g., Consulting Engineer) TECHNICAL CONSULTANT			
Signature	Date 11/18/2012				
Mailing Address 2711 PELHAM PARKWAY					
City PELHAM	State or Country (if foreign address) AL	Zip Code 35124 -			
Telephone Number (include area code)	E-Mail Address (if available)				

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### LEER@REYNOLDSTECHNICAL.COM

WILLFUL FALSE STATEMENTS ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001), AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. CODE, TITLE 47, SECTION 312(a)(1)), AND/OR FORFEITURE (U.S. CODE, TITLE 47, SECTION 503).

### **Exhibits**

### Exhibit 1

**Description:** CONTINGENT APPLICATIONS FILING

THIS APPLICATION IS FILED PURSUANT TO SECTION 73.3517(E) OF THE COMMISSION'S RULES. THERE ARE TWO OTHER APPLICATIONS BEING FILED SIMULTANEOUSLY--ONE OTHER BY GULF SOUTH COMMUNICATIONS, INC. FOR STATION WDJR(FM), ENTERPRISE, ALABAMA AND THE OTHER BY SOUTHEAST ALABAMA BROADCASTERS, LLC FOR STATION WJRL-FM, FORT RUCKER, ALABAMA. THE WDJR APPLICATION PROPOSES TO CHANGE ITS COMMUNITY OF LICENSE. A CONTINGENT APPLICATIONS AGREEMENT IS BEING SUBMITTED IN EXHIBIT 30.

SOUTHEAST ALABAMA BROADCASTERS, LLC AND GULF SOUTH COMMUNICATIONS, INC. REQUEST THAT THE COMMISSION COORDINATE THE PROCESSING OF THE THREE APPLICATIONS AND TAKE ACTION SIMULTANEOUSLY.

IN ADDITION, PLEASE NOTE THAT ONE OF THE APPLICATIONS IS IN CONFLICT WITH A PENDING RULE MAKING PROCEEDING, MB DOCKET NO. 12-271 (PIKE ROAD, ALABAMA). THESE APPLICATIONS ARE TIMELY FILED AS A COUNTERPROPOSAL. THE LICENSEES ARE SEPARATELY FILING COMMENTS IN THAT PROCEEDING AS WELL.

### Attachment 1

### Exhibit 5

**Description:** MULTIPLE OWNERSHIP STUDY

NEITHER THE APPLICANT, NOR ANY MEMBER THEREOF, OWNS ANY STATION, NOR HAS AN INTEREST IN ANY STATION, WITH A 70 DBU CONTOUR THAT OVERLAPS WITH THE PROPOSED 70 DBU CONTOUR OF WDBT.

### Attachment 5

### Exhibit 27

**Description: ENGINEERING EXHIBITS** 

THE INSTANT APPLICATION SEEKS TO DELETE CHANNEL 229C1 AT HARTFORD, ALABAMA (WDBT) AND ALLOCATE CHANNEL 228A AT HOPE HULL, ALABAMA AS THAT COMMUNITY'S FIRST LOCAL SERVICE FOR USE BY WDBT. THIS APPLICATION IS THE SECOND OF THREE CONTINGENT APPLICATIONS.

THE FIRST OF THE THREE CONTINGENT APPLICATIONS IS THE UPGRADE OF WJRL-FM AT FORT RUCKER, ALABAMA FROM CHANNEL 280C3 TO CHANNEL 280C2. IN ORDER TO ACCOMPLISH THIS, WAAO-FM, CHANNEL 279A, ANDALUSIA, ALABAMA WILL CHANGE CHANNEL TO 229A VIA ORDER TO SHOW CAUSE.

IN ORDER FOR WAAO-FM TO USE CHANNEL 229A AT ITS CURRENT SITE, WDBT IS TO MOVE FROM CHANNEL 229C1 AT HARTFORD, ALABAMA TO CHANNEL 228A AT HOPE HULL, ALABAMA.

THE THIRD CONTINGENT APPLICATION IS THE WDJR(FM) CHANGE OF ITS COMMUNITY OF LICENSE FROM ENTERPRISE, ALABAMA TO HARTFORD, ALABAMA. WDJR IS FULLY SPACED AT ITS CURRENT SITE ON CHANNEL 245CO. IT CURRENTLY PROVIDES 70 DBU COVERAGE TO 100% OF HARTFORD, IN ACCORDANCE WITH FCC RULES.

THE PROPOSED WDBT FACILITY PROVIDES 70 DBU COVERAGE TO 824 SQUARE KILOMETERS AND TO

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12,859 PERSONS. THE PROPOSED WDBT 60 DBU CONTOUR COVERS 2,515 SQUARE KILOMETERS AND 207,684 PERSONS.

THE PROPOSED WDBT FACILITY, AS SHOWN IN EXHIBIT 4 OF THE ATTACHED ENGINEERING, CANNOT MOVE CLOSER TO THE MONTGOMERY URBANIZED AREA. THE PROPOSED FACILITY MEETS THE SPACING REQUIREMENTS TO WDJC(FM), CHANNEL 229C0 AT BIRMINGHAM, AL, BY ONLY 0.05 KILOMETER (50 METERS). EXHIBIT 4 SHOWS THAT WHILE THE PROPOSED WDBT PROTECTS WDJC VIA 73.207, ANY MOVE NORTH WOULD REQUIRE PROTECTION VIA 73.215. HOWEVER, THERE IS ALREADY CONTOUR OVERLAP BETWEEN THE TWO STATIONS. THUS, IT IS NOT POSSIBLE TO PROTECT PROTECT WDJC VIA 73.215 AND INCREASE COVERAGE OVER MONTGOMERY TO THE NORTH. HENCE, THE 70 DBU CONTOUR WOULD COVER LESS OF THE MONTGOMERY URBANIZED AREA.

Attachment 27

Description
Engineering exhibits
Exhibit 28 Description: SEE THE ATTACHMENT IN EXHIBIT 27.
Attachment 28
Exhibit 29 Description: MAIN STUDIO LOCATION
THE MAIN STUDIO WILL BE LOCATED WITHIN THE 70 DBU.
Attachment 29
Exhibit 30 Description: CONTINGENT APPLICATIONS AGREEMENT
THE PROPOSED FACILITY FOR WDBT(FM), CHANNEL 228A LICENSED TO HOPE HULL, ALABAMA IS FULLY SPACED TO ALL OTHER STATIONS IN THE SPECTRUM.
Attachment 30
Description
Contingent Applications Agreement
Exhibit 35 Description: HUMAN EXPOSURE TO RADIOFREQUENCY RADIATION
USING RF WORKSHEET #1A, THE RADIOFREQUENCY RADIATION 2 METERS ABOVE GROUND AT THE BASE OF THE TOWER IS 3.32% OF THE CONTROLLED/OCCUPATIONAL LIMIT. THIS VALUE IS ALSO MUCH LESS THAN THE 20% ALLOWED FOR THE UNCONTROLLED/GENERAL POPULATION LIMIT.
BECAUSE A NEW TOWER CONSTRUCTION IS PROPOSED, THE ANSWER TO EXHIBIT 35 IS 'NO' UNTIL SUCH TIME AS THE ENVIRONMENTAL ASSESSMENT CAN BE COMPLETED.
Attachment 35

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Exhibit 36

Description: CHANGE IN COMMUNITY OF LICENSE

THE ATTACHMENT IN EXHIBIT 27 DEMONSTRATES THAT THE PROPOSED FACILITY WILL PROVIDE HOPE HULL, ALABAMA WITH THAT COMMUNITY'S FIRST LOCAL SERVICE. HARTFORD, ALABAMA WILL CONTINUE TO RECEIVE LOCAL SERVICE FROM WDJR(FM), CHANNEL 245C0.

FOR FURTHER EXPLANATION, SEE THE ATTACHED SECTION 307(B) SHOWING.

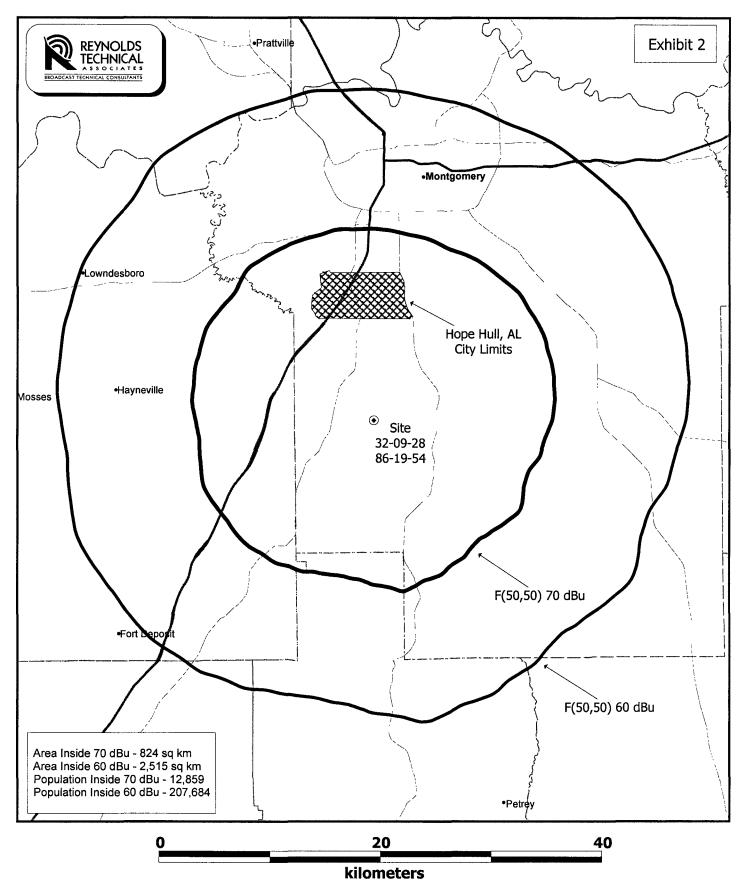
Attachment 36		
	Description	
Section 307(b) Narrative		
Hope Hull pictures		

# Engineering Statement In Support of an Application for a Construction Permit WDBT(FM), Channel 228A, Hope Hull, Alabama

# WDBT(FM) Channel 228A Channel Spacing/Allocation Study (Using the proposed WDBT site as reference)

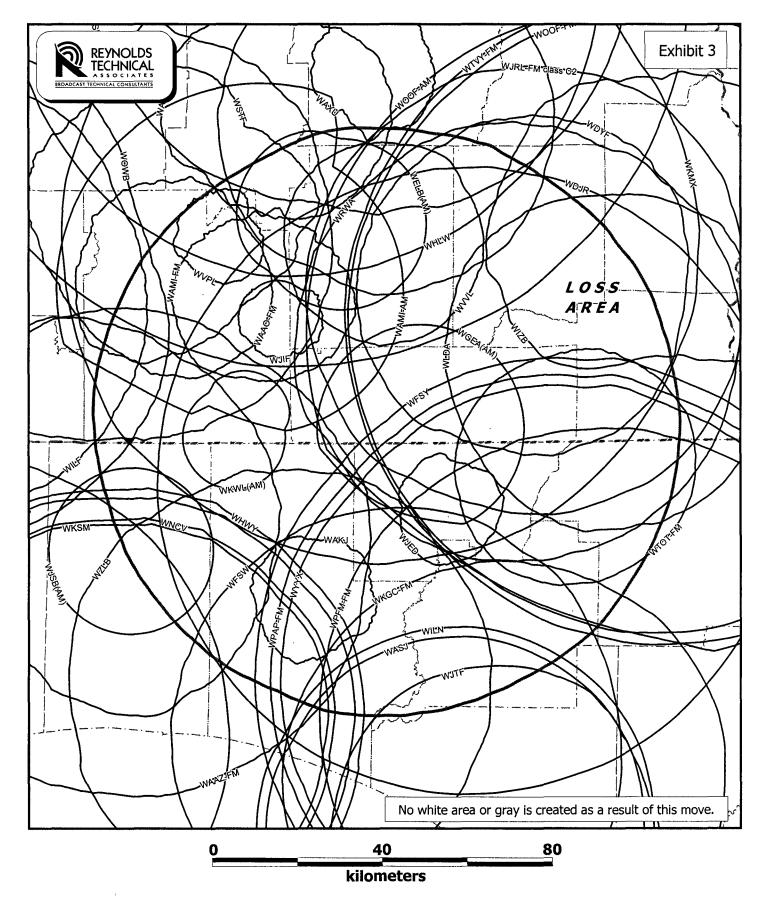
REFERENCE 32 09 28.0 N. CLASS = A 86 19 54.0 W. Current Spacings to 3rd Adj					DISPLAY DATES DATA 11-15-12 SEARCH 11-15-12			
Call	C	hannel	Location		Azi	Dist	FCC	Margin
1505519 RSV-A 228A Pike Road AL 65.8 22.76 114.5 -91.7 R15082 ADD 228A Pike Road AL 65.8 22.76 114.5 -91.7 1505297 APP 228A Pike Road AL 65.8 22.76 114.5 -91.7 Of note:  The instant counterproposal is filed in opposition to channel 228A at Pike Road, AL.								
	LIC note: censed	<b>229C1</b> coordin	Hartford ates of WDBT.	AL	164.0	128.34	132.5	-4.2
WDJC-FM WHLW WACV WTGZ WVFJ-FM WMRG WMLV WVFJ-FM	LIC LIC-N LIC-Z LIC CP -N CP -Z LIC-Z LIC	229C0 282C1 226A 230C3 227C0 228C3 228C2 227C1	Birmingham Luverne Coosada Union Springs Greenville Morgan Butler Manchester	AL AL AL GA GA AL GA	340.4 141.9 348.7 73.8 54.4 104.8 270.6 54.4	151.55 25.86 36.23 64.73 179.14 179.27 203.41 179.14	21.5 30.5 41.5 151.5 141.5	0.05 4.4 5.7 23.2 27.6 37.8 37.9 46.6





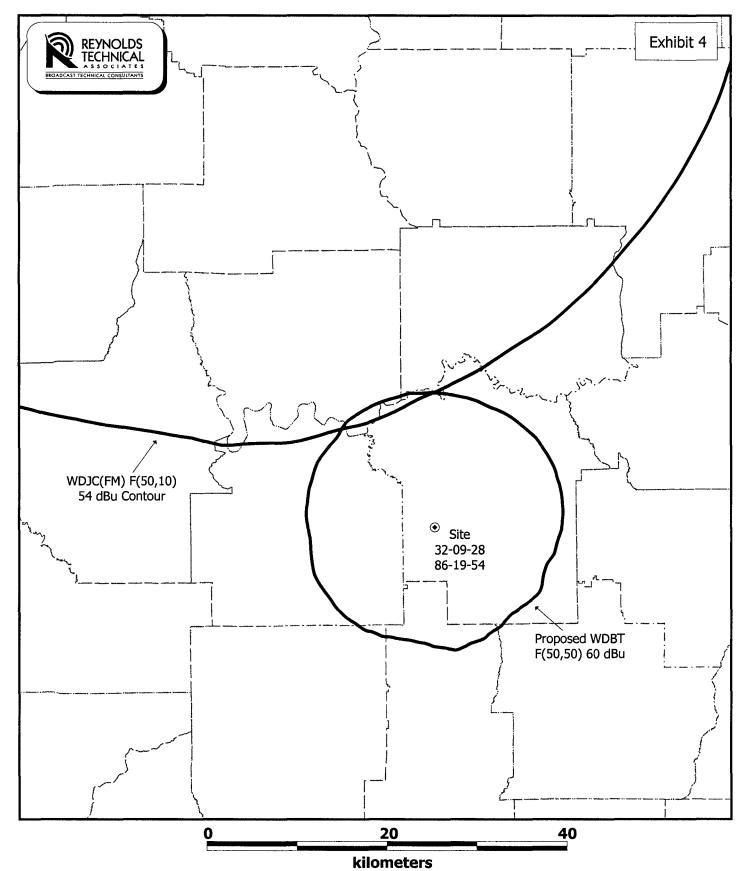
### **PREDICTED COVERAGE CONTOURS**

RADIO STATION WDBT(FM) HOPE HULL, ALABAMA CH 228A 5 KW 109.3 M



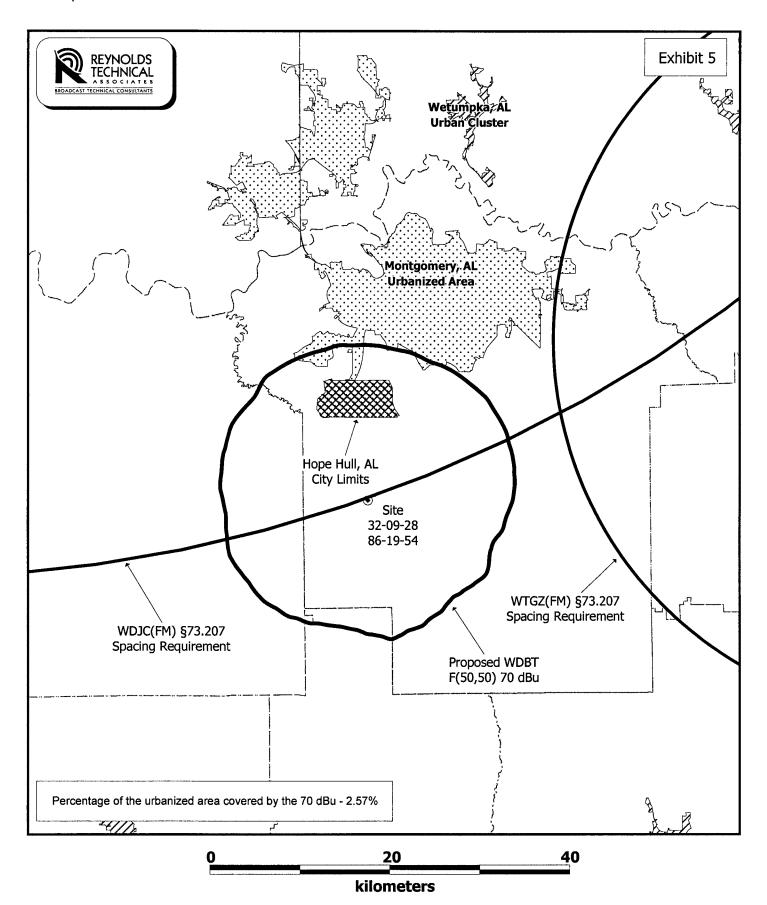
### **REMAINING SERVICES STUDY MAP**

RADIO STATION WDBT(FM) HOPE HULL, ALABAMA CH 228A 5 KW 109.3 M The following exhibit is provided to demonstrate compliance with the requirements set forth in Footnote 97 of the Rural Radio proceeding's Second Report and Order (MB Docket 09-52). The proposed facility is prohibited from moving closer to the Montgomery, AL Urbanized Area, as the proposed site, while protecting WDJC(FM) via §73.207, provides contour overlap to WDJC. If WDBT moved to a location that is short spaced to WDJC (i.e., closer to the Montgomery Urbanized Area), the provisions of §73.215 would then apply. This would actually reduce the proposed WDBT 70 dBu contour over the Montgomery Urbanized Area.



# RURAL RADIO FOOTNOTE 97 STUDY (SHOWING THAT WDBT CANNOT MOVE CLOSER TO THE MONTGOMERY, AL URBANIZED AREA)

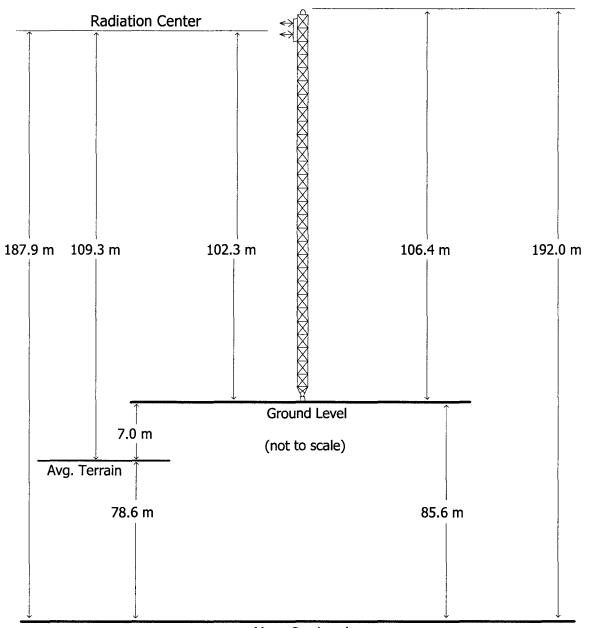
RADIO STATION WDBT(FM) HOPE HULL, ALABAMA CH 228A 5 KW 109.3 M



# 70 dBu COVERAGE OF THE MONTGOMERY, AL URBANIZED AREA AND THE §73.207 WINDOW

RADIO STATION WDBT(FM) HOPE HULL, ALABAMA CH 228A 5 KW 109.3 M

### WDBT(FM), Hope Hull, AL Tower Vertical Sketch



Mean Sea Level

NAD 27 Site Coordinates: 32° 09' 28" 86° 19' 54"



### CONTINGENT APPLICATIONS AGREEMENT

This Agreement ("Agreement") is made and entered into this Agreement ("Agreement") is made and entered into this Agreement ("Agreement") is made and entered into this Agreement ("Sulf South"), licensee of Stations WDBT(FM), Hartford, Alabama, Facility ID 62206 ("Station WDBT") and WDJR(FM), Enterprise, Alabama, Facility ID 25575 ("Station WDJR") and Southeast Alabama Broadcasters LLC ("SAB"), licensee of Station WJRL-FM, Facility ID 63945, Fort Rucker, Alabama ("Station WJRL-FM").

WHEREAS, SAB desires to file an application to change the transmitter site and class of channel for Station WJRL-FM (the "Station WJRL Application");

WHEREAS, Gulf South is willing to file an application to change the transmitter site, city of license and class of channel for Station WDBT as an accommodation to SAB (the "Station WDBT Application");

WHEREAS, Gulf South desires to file an application to change the city of license for Station WDJR to maintain a first local service at Hartford, Alabama (the "Station WDJR Application");

WHEREAS, the parties have agreed to file contingent applications pursuant to Section 73.3517(e) of the FCC's Rules as described more specifically herein, which necessitates a written agreement which may be filed with the FCC; and

WHEREAS, the Station WJRL, WDBT and WDJR Applications will serve the public interest by providing better service to the public.

NOW THEREFORE, in consideration of the foregoing and the mutual covenants and agreements set forth herein, Gulf South and SAB hereby agree as follows:

- 1. (a) Within 10 business days of the execution of this Agreement, Gulf South and SAB shall prepare the Station WJRL, WDBT and WDJR Applications, respectively, at their own expense, but subject to paragraph 2, and coordinate the filing of the applications on the same day on a contingent basis. Neither party shall take action to interfere with, delay, or prevent the grant of the Station WJRL, WDBT or WDJR Applications. If any of the applications are dismissed or denied, or if the FCC requests correction of a deficiency, the applicant agrees to use reasonable efforts to resolve the deficiencies in a manner that does not materially diminish the benefit of this Agreement for the other party and, if necessary, to refile the application with the deficiency eliminated.
- (b) After each of the Station WJRL, WDBT and WDJR Applications have been granted by Final Order, SAB shall complete construction of the WJRL facility and thereafter file the license application (Form 302-FM) in a timely manner.
- 2. Both parties agree to pay for their own costs of preparing and filing the Station WJRL, WDBT and WDJR Applications, including, without limitation, legal, engineering and filing fees and the construction costs of their own facilities.

- 3. In the event, either party decides to modify or amend the Station WJRL, WDBT or WDJR Applications, such changes are permissible provided that the spacing requirements between the proposed transmitter sites comply with Section 73.207 of the FCC's Rules.
- 4. Both parties agree that neither will assign nor transfer their licenses for Stations WJRL, WDBT or WDJR unless it causes the assignee or transferee thereof to assume its respective obligations under this Agreement in a manner reasonably satisfactory to the other party. This Agreement shall inure to the benefit of, and be binding upon, the successors and permitted assigns of the parties hereto.
- 5. If any term or provision of this Agreement is determined to be void, unenforceable, or contrary to law, the remainder of this Agreement shall continue in full force and effect provided that such continuation would not materially diminish the benefits of this Agreement for any party. If such continuation would materially diminish the benefits of this Agreement for any party, then the parties shall negotiate in good faith such changes in other terms as shall be practicable in order to restore them to their prior positions.
- 6. This Agreement sets forth the entire understanding of the parties hereto at the time of execution and delivery hereof with respect to the subject matter hereof and may not be amended except by written amendment signed by both parties. All prior agreements between the parties with respect to the subject matter hereof shall be of no further force or effect. The undersigned each represents and warrants that it has the requisite authority to bind its respective party to the terms and obligations of this Agreement.
- 7. If either party breaches its obligations under this Agreement, the other party shall have the right to seek injunctive relief and/or specific performance, without showing any actual damages, as that party's exclusive remedy. The party that breaches agrees to waive any defense as to the adequacy of the other party's remedies at law and to interpose no opposition, legal or otherwise, to the propriety of injunctive relief or specific performance as a remedy, and to waive any requirement for the posting of any bond or other security.
- 8. This agreement may be signed in counterparts with the same effect as if the signature on each counterpart were on the same instrument. Delivery of executed counterpart signatures to this Agreement by facsimile or other electronic transmission shall be effective as delivery of original counterpart signatures to this Agreement.
- 9. This Agreement shall be governed by and construed according to the laws of the State of Alabama, specifically excluding its choice-of-laws provisions.

IN WITNESS WHEREOF, the parties hereto have executed this Contingent Applications Agreement as of the date first written above.

### GULF SOUTH COMMUNICATIONS, INC.

By: 49. Wellest Name: Eley E. Hollesty Tille: Provident

SOUTHEAST ALABAMA BROADCASTERS, LLC

By: <u>Singia Edmiston</u> Name: Georgia Edmiston Title: Manager

### **307(b)** Exhibit

Gulf South Communications, Inc. ("Gulf South"), the licensee of Stations WDBT(FM), Hartford, Alabama and WDJR(FM), Enterprise, Alabama, submits this exhibit in support of its applications to (1) delete Channel 229C1 at Hartford, Alabama and allot Channel 228A to Hope Hull, Alabama as that community's first local service and (2) reallot Channel 245C0 from Enterprise to Hartford, Alabama to maintain that community's first local service. Gulf South's showings pursuant to Section 307(b) of the Communications Act, 47 U.S.C. § 307(b), are provided below, addressing the factors identified by the Commission in its *Rural Radio*<sup>1</sup> decision and set forth in the instructions to Form 301.

As demonstrated in Engineering Statement to the WDBT application, Channel 228A can be allotted to Hope Hull consistent with Section 73.207 of the Commission's Rules. See Engineering Exhibit 1. A 70 dBu signal can be provided to Hope Hull from the proposed allotment site. See Engineering Exhibit 2. The population and area within the proposed 70 dBu contour are 12,859 persons in 824 square kilometers, and within the proposed 60 dBu contour are 207,684 persons in 2,515 square kilometers. See Engineering Exhibit 3. This proposal will not create any underserved areas within the WDBT loss area. See Engineering Exhibit 4.

Gulf South's proposal to change the community of license of WDBT from Hartford to Hope Hull complies with the guidelines set forth in *Amendment of the* 

<sup>&</sup>lt;sup>1</sup> Policies to Promote Rural Radio Service and to Streamline Allotment and Assignment Procedures, Second Report and Order, 26 FCC Rcd 2556 (2011); Second Order on Reconsideration, FCC 12-127, rel. October 12, 2012 ("Rural Radio"); see also Revision of Procedures Governing Amendments to FM Table of Allotments and Changes of Community of License in the Radio Broadcast Services, 21 FCC Rcd 14212, ¶ 10 (2006).

Commission's Rules Regarding Modification of FM and TV Authorizations to Specify a New Community of License, 4 FCC Rcd 4870 (1989), recons. granted in part, 5 FCC Rcd 7094 (1990) ("Community of License Order"). There, the Commission stated that a station may change its community of license without subjecting the license to other expressions of interest if (1) the proposed allotment is mutually exclusive with the current allotment; (2) the current community of license will not be deprived of its only local service; and (3) the proposed arrangement of allotments is preferred under the Commission's allotment priorities. These criteria are met here. First, the proposed use of Channel 228A at Hope Hull is mutually exclusive with the current use of Channel 229C1 at Hartford. See Engineering Exhibit 1. Second, Hartford will not be deprived of its only local service because, as discussed below, Station WDJR(FM) is concurrently changing its community of license from Enterprise to Hartford, Alabama. (Enterprise has local service remaining.) Third, the provision of a first local service at Hope Hull (2010 U.S. Census population 1,260) under Priority 3 will result in a preferential arrangement of allotments over the retention of a second local service at Enterprise under Priority 4.2 See Revision of FM Assignment Policies and Procedures, 90 FCC 2d 88 (1982).

Hope Hull is not located in an urbanized area, the proposed 70 dBu signal does not cover 50% of any urbanized area and a showing is provided, pursuant to Note 97 of the *Rural Radio* decision, which demonstrates that no subsequent rule compliant minor modification application could be filed to cover as much as 50% of any urbanized area.

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<sup>&</sup>lt;sup>2</sup> The proper comparison is between Hope Hull and Enterprise because Enterprise is losing a local service (due to the move of WDJR) and Hope Hull is gaining a local service (due to the move of WDBT). The community of Hartford will retain the same number of local services.

Therefore, this relocation does not implicate the Commission's policy concerning the migration of stations from rural areas to urban areas.

Hope Hull is a community deserving of a first local service. Hope Hull has its own post office (zip code 36043), an elementary school, a private school (Hooper Academy), the Hope Hull Women's Club, several churches, including Hope Hull United Methodist Church, Hope Hull Church of Christ and First Southern Baptist Church, numerous business, including UPS, Hyundai Power Transformer plant, Rock Tenn, Genpak, Hager Companies, PHA Body Systems, DAS, Viscofan, Blue Bell Creameries and hotels, including Best Western Hope Hull Inn, Hampton Inn, Fairfield Inn & Suites by Marriott, Comfort Suites and Motel 6. Former Governor Bibb Graves was born in Hope Hull. Tankersley Rosenwald School, which is listed in the National Register of Historic Places, is located in Hope Hull. See Exhibit 1.

As discussed above, in order to maintain local service at Hartford, Gulf South proposes to change the community of license of WDJR from Enterprise to Hartford at the station's current site. A 70 dBu signal can be provided to Hartford from WDJR's existing site. See Engineering Exhibit 2. Because WDJR's facilities will not change, there will be no population or area gain or loss.

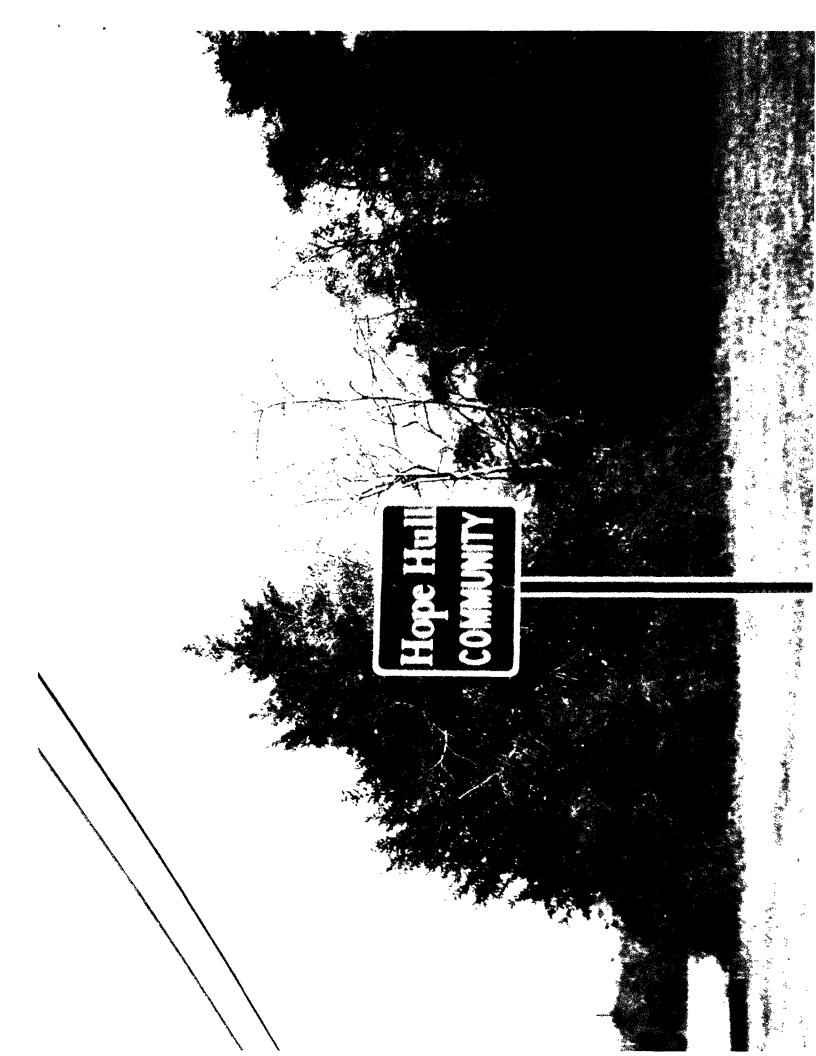
Gulf South desires to make this change under the guidelines set forth in Community of License Order. First, because the facilities are identical, the proposed use at Hartford is mutually exclusive with the current use at Enterprise. Second, Enterprise will not be deprived of its only local service because it is currently served by Station WKMX(FM). Third, as discussed above, establishment of first local service at Hope

Hull under Priority 3 will result in a preferential arrangement of allotments over the retention of a second local service at Enterprise under Priority 4.

Finally, a third simultaneously filed contingent application by Southeast Alabama Broadcasters, LLC for Station WJRL-FM also provides public interest benefits. Although that application does not involve a city of license change, the station will upgrade its class of channel from C3 to C2 and increase its coverage area.

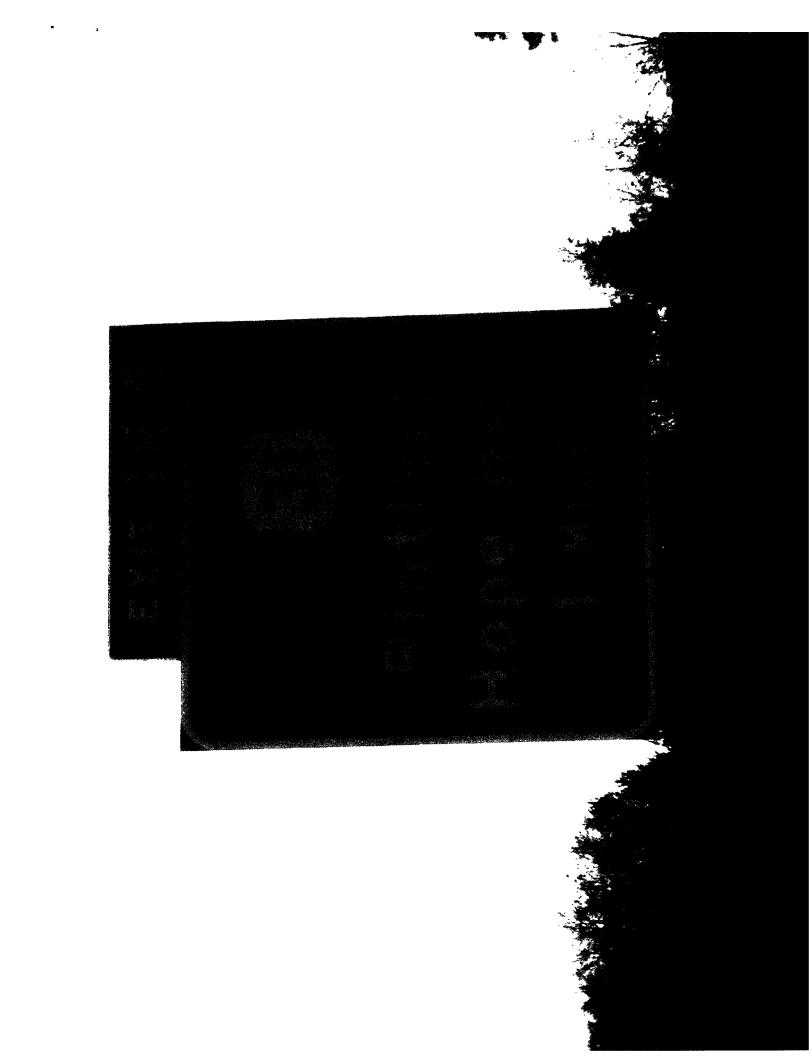
## Exhibit 1





POST CITY ALMEMAN





# TED METHODIST CH